

**IN THE DRAWINGS**

The Applicants have included a Replacement Sheet containing a revised Fig. 3 and an unrevised Fig. 4. In addition, for the Examiner's convenience, the Applicants have included an Amended Sheet that shows the changes made to Fig. 3 pertaining to reference number 82.

### **REMARKS**

In the Office Action, claims 1-4, 6, 7, 9-12, 14, 15, and 17-26 were rejected and claims 5, 8, 13, and 16 were objected to. By the present Response, claims 1, 5, 9, 13, 17, 21, 23, 25, and 26 are amended and claims 8 and 24 are canceled. Upon entry of the amendments, claims 1-7, 9-23, and 25-26 will remain pending in the present patent application. Reconsideration and allowance of all pending claims are requested.

### **Drawings**

The Examiner objected to Fig. 3 because reference number 82 did not explicitly reference two arc lengths, as noted in the specification. For the Examiner's convenience, the Applicants have included an Amended Sheet depicting the proposed revision to Fig. 3, namely the removal of the original reference number 82 and associated bracket and the addition of a new reference number 82 with a bracket encompassing two arc lengths. In addition, the Applicants have included a Replacement Sheet having a clean version of the amended Fig. 3 and of Fig. 4. The included Replacement Sheet is believed to address the Examiner's stated objection. Withdrawal of the objection to Fig. 3 is, therefore, respectfully requested.

### **Rejections Under 35 U.S.C. § 102**

The Examiner rejected claims 1, 17, and 24 under 35 U.S.C. § 102(e) as anticipated in view of U.S. Patent No. 6,754,300 to Hsieh et al., claims 17 and 24 under 35 U.S.C. § 102(b) in view of U.S. Patent No. 5,633,906 to Hell et al., and claims 1-4, 17-21, and 24-26 under 35 U.S.C. § 102(e) in view of U.S. Patent No. 6,522,712 to Yavuz et al. A *prima facie* case of anticipation under 35 U.S.C. § 102 requires a showing that each limitation of a claim is found in a single reference, practice or device. *In re Donohue*, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

The Examiner indicated the presence of allowable subject matter in dependent claim 8. While the Applicants do not agree that the various present rejections under 35 U.S.C. § 102 meet the legal standard noted above to establish a *prima facie* case of anticipation, the Applicants choose at this time to place the indicated subject matter into allowable form while reserving the right to file a continuation covering the subject matter as originally claimed. To this end, the subject matter of claim 8 has been incorporated into claim 1 and claim 8 has been canceled. Amended claim 1 and those claims depending therefrom are, therefore, believed to be in condition for allowance.

In addition, the Applicant, as discussed briefly with the Examiner on March 28, 2005, has made broadening deletions to claim 1, as well as to the other amended claims discussed below. In particular, the Applicants respectfully note that recitations related to the operation of the distributed source and its activation in conjunction with various arc segments of the gantry path were not treated as limitations by the Examiner and no effort was made to demonstrate similar such arc segments or an arc segment based activation scheme in the cited art. Therefore, to the extent that the Examiner did not read the arc segment and source activation language as limiting and to the extent that, even absent such limitations, the Examiner found allowable subject matter in claim 8, The Applicants have chosen to remove those recitations from claim 1 (and other amended claims) related to an arc segment based approach to source activation. If, however, the Examiner believes that the deleted matter constitutes meaningful limitations, the Applicants respectfully request that the Examiner provide precise citations to those portions of the cited art disclosing the recited matter, as mandated by 37 C.F.R. § 1.104(c)(2). In view of the various amendments proposed by the present response, the Applicants request that the Examiner contact the undersigned at the number below to discuss any comments or suggestions the Examiner may have pertaining to the present amendments which would advance prosecution of the present case.

In addition, the Applicants have incorporated the subject matter of claim 24, which parallels the subject matter of claim 8, into independent claim 17. In the present response the Examiner opined that claim 24 failed to set forth additional structural limitations to claim 17 and was therefore rejected on the same basis as claim 17. The Applicants respectfully disagree and note that the rate or manner in which a moving component of a device moves constitutes a structural limitation of the device, i.e., it structurally defines how the device may be differentiated from other devices by the movement characteristics of a component. Therefore, amended claim 17 and those claims depending therefrom are also believed to be in condition for allowance for the reasons noted above.

Furthermore, claim 25 has been amended to incorporate the language of amended claim 1. Amended claim 25 and dependent claim 26, therefore, are believed to be allowable for reasons noted above. Reconsideration and allowance of claims 1, 17, 25 and their respective dependent claims is, therefore, respectfully requested.

### **Rejections Under 35 U.S.C. § 103**

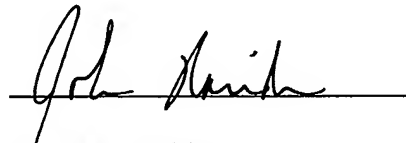
The Examiner rejected independent claim 9 under 35 U.S.C. § 103(a) as obvious in view of U.S. Patent Nos. 6,522,712 to Yavuz et al. and 6,272,200 to Pan et al. Regarding the Yavuz reference, the Applicants respectfully submit that this reference should be removed from consideration in accordance with 35 U.S.C. § 103(c) and M.P.E.P. § 706.02(l), because the present application and this reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, General Electric Company. Accordingly, Applicant respectfully requests that the Examiner remove this reference from consideration. After the Yavuz reference is removed according to 35 U.S.C. § 103(c), the Examiner's arguments regarding these references are moot. Consequently, currently pending claim 9, and those claims depending therefrom, are believed allowable over the rejection.

**Conclusion**

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: March 28, 2005

A handwritten signature in cursive script, appearing to read "John M. Rariden", is written over a horizontal line.

John M. Rariden  
Reg. No. 54,388  
FLETCHER YODER  
P.O. Box 692289  
Houston, TX 77269-2289  
(281) 970-4545



AMENDED SHEET

3/5

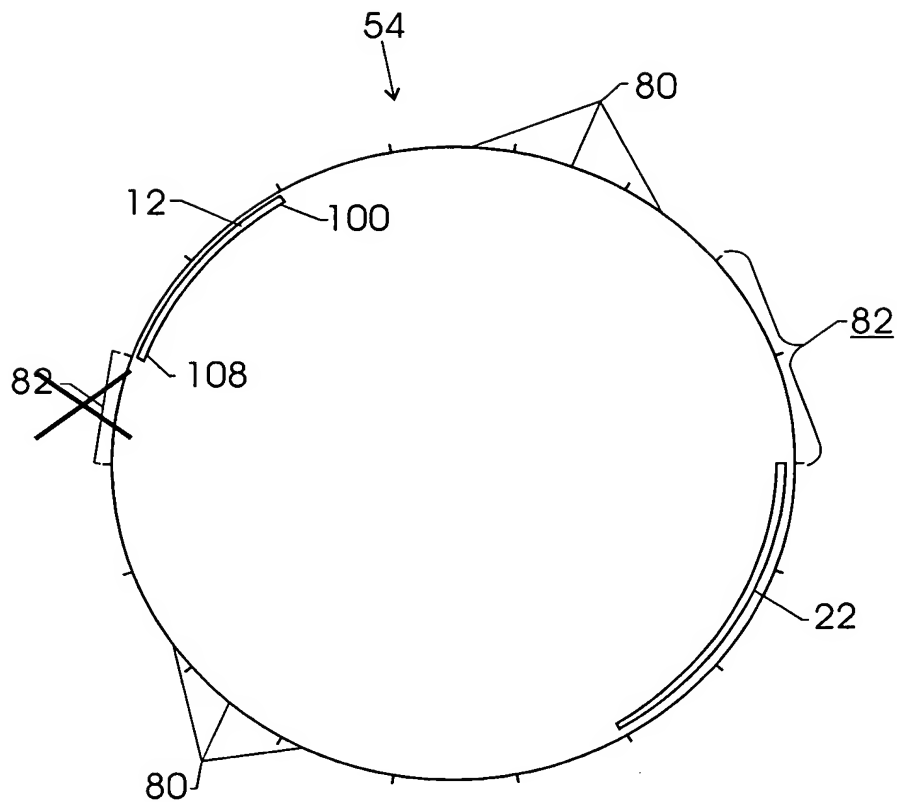


FIG. 3

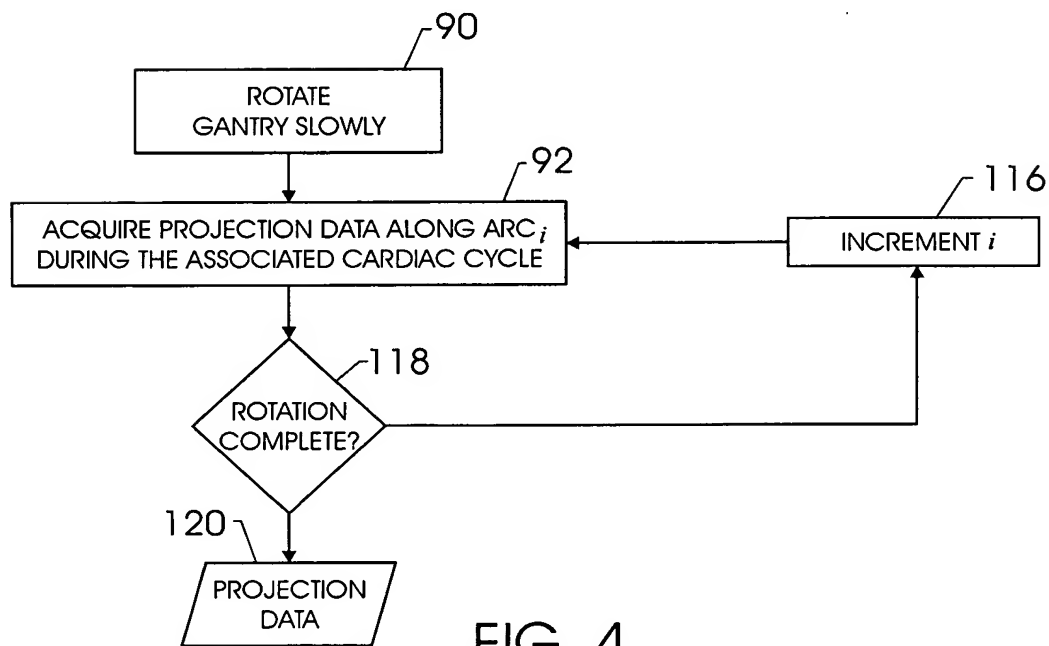


FIG. 4